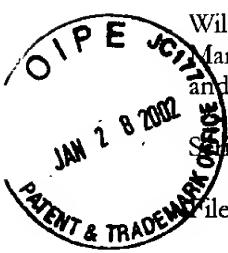


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of

Wilson BURGESS, William N. DROHAN,
Martin J. MACPHEE, David M. MANN
and Dawson BEALL

Serial No.: 09/960,705

Filed: September 24, 2001

For: A METHOD OF LYOPHYLIZATION
TO REDUCE SOLVENT CONTENT AND
ENHANCE PRODUCT RECOVERY

: Group Art Unit: 1761

: Examiner: To be assigned

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JAN 30 2002
TC 1700

INFORMATION DISCLOSURE STATEMENTAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the indicated date. Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, that information cited in the statement is considered to be and/or is material to patentability, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

X 1. This Information Disclosure Statement is being filed (i) within three months of the U.S. filing date of a U.S. application other than a CPA continued prosecution application under §1.53(d) OR (ii) within three months of the date of entry of the national stage as set forth in §1.491 in an international application OR (iii) before the mailing date of a first Office Action on the merits. No certification or fee is required. 37 C.F.R. §1.97(b).

— 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application. 37 C.F.R. §1.97(c).

— a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).

- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- c. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- 3. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application, but on or before payment of the Issue Fee. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 C.F.R. §1.97(d).
- a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).
- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- X 4. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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Date: January 28, 2002

MLF:DRM:kpc

LIST OF PRIOR ART CITED BY APPLICANT  (PTO-1449)			ATTY. DOCKET NO. CI-0005	APPLN. SERIAL NO. 09/960,705		
			APPLICANT(S) Wilson BURGESS, William N. DROHAN, Martin J. MACPHEE, David M. MANN and Dawson BEALL			
			FILING DATE September 24, 2001	GROUP 1761		
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	
	4,336,247	06/1982	Eriksen			
	4,931,361	06/1990	Baldeschwieler et al.			
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U.S. PATENT APPLICATION PUBLICATIONS						
	*PATENT APPLN. PUB. NO.	*PUB. DATE	*APPLICANT	CLASS	SUBCLASS	
U.S. PATENT APPLICATIONS						
	*APPLN. NO.	*FILING DATE	*INVENTOR	CLASS	SUBCLASS	
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation <input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER ART (Including Author, Title, Date, Pertinent Pages, Publisher, Place of Publication, Etc.)						
	Thomas A. Jennings, Glossary of Terms for Lyophilization (visited August 22, 2001) < http://www.phase-technologies.com/html/vol.2 no.1.html >					
	Thomas A. Jennings, Overview of the Lyophilization Process (visited August 24, 2001) < http://www.phase-technologies.com/html/vol.1 no.9.html >					
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	Thomas A. Jennings, What I Wish I Knew About Lyophilization (visited August 24, 2001) < http://www.phase-technologies.com/html/vol.2 no. 2.html >					
EXAMINER	DATE CONSIDERED					

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

LIST OF PRIOR ART CITED BY APPLICANT <i>O I P E</i> JAN 28 2002 PATENT & TRADEMARK OFFICE PTO-1449)			ATTY. DOCKET NO. CI-0005	APPLN. SERIAL NO. 09/960,705		
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	*PATENT APPLN. PUB. NO.	*PUB. DATE	*APPLICANT	CLASS	SUBCLASS	
U.S. PATENT APPLICATIONS						
	*APPLN. NO.	*FILING DATE	*INVENTOR	CLASS	SUBCLASS	
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation <input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER ART (Including Author, Title, Date, Pertinent Pages, Publisher, Place of Publication, Etc.)						
	Thomas A. Jennings, Which Shelf Temperature During Lyophilization? (visited August 24, 2001) < http://www.phase-technologies.com/html/vol.1 no. 7.html >					
	Thomas A. Jennings, Yes, You have no Eutectic (visited August 24, 2001) < http://www.phase-technologies.com/html/vol.1 no. 10.html >					
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